

REMARKS**I. Introduction**

Claims 1-23 are pending. Claims 1-5, 7, 9, 12 and 23 have been amended. In the Office Action mailed April 15, 2004, the Examiner rejected claims 1, 2, 5-8, 13 and 23 under 35 U.S.C. 102(e) as being anticipated by Soliman (U.S. Patent No. 6,490,460). The Examiner rejected claims 3, 4, 9-12 and 14-22 under 103(a) as being unpatentable over Soliman in view of one or more of Dohi (U.S. Patent No. 6,341,224), Cheng (U.S. Patent No. 6,154,638), Kamel (U.S. Patent No. 6,496,531) and Hogan (U.S. Patent No. 6,442,393). The Examiner additionally objected to the disclosure as including an embedded hyperlink and objected to an informality in claim 12. Applicant traverses these rejections for the following reasons.

II. Response to Objection to the Disclosure

The Examiner objected to the disclosure as including an embedded hyperlink on page 13, line 8. Applicant has amended the specification to remove the embedded hyperlink and accordingly requests that the Examiner withdraw this objection.

III. Response to Objection to Claim 12

The Examiner objected to claim 12 as referring back to a step that includes "a bonding value" but that claim 10, from which claim 12 depends, does not mention "a bonding value." Applicant has amended claim 12 to correct a typographical error in the original application so that claim 12 now depends from claim 11 instead of from claim 10. Therefore, Applicant requests that the Examiner withdraw this objection.

IV. Response to Rejection of Independent Claims 1, 7, 14, 16, 21 and 23

The Examiner rejected independent claim 1 as being anticipated by Soliman. Claim 1 is directed toward a method of controlling power used for communications between a mobile station and a base station. As amended, claim 1 provides for "determining a location of the mobile station," "based on the location, selecting an initial power level for communication between the mobile station and the base station," and "starting at the initial power level, engaging in a power control process that regulates the power used for communication between the mobile station and the base station." Soliman, however, does not teach or suggest all elements of Applicant's independent claim 1, including selecting an initial power level based on a location of a mobile station and, starting at the initial power level, engaging in a power control process.

For example, as described in Applicant's specification, a BSC may first determine a location of the mobile station. (pg. 12, lines 1-16). The BSC may then query a database or other information store to determine an initial transmit power for the mobile station, and the BSC may notify the mobile station of the initial transmit power. The mobile station may then begin transmitting to the mobile station at the initial transmit power, and the mobile station may subsequently engage in a power control process, such as a reverse link power control process, that then varies the mobile station's transmit power according to various parameters. In another example, the BSC may query a database or other information stored to determine an initial transmit power for the base station. (pg 9, lines 1-15). The base station can then begin its communications with the mobile station at the initial transmit power and subsequently engage in a power control process (e.g., a forward link power control process) to adjust the transmit power according to various parameters.

In both these examples, as well as others described in Applicant's specification, the location of the mobile station is used to determine the initial transmit power (e.g., for the mobile station, the base station or both) used for communications between the mobile station and the base station. The initial power level then serves as the starting point for a power control process, such as a forward or reverse link power control process. The power control process can then, for example, vary the transmit power from the initial transmit power in order to maintain a desired setpoint, error rate or some other criteria. As described in Applicant's specification, "when the mobile station begins to transmit at a power level that is far off from where it should be, the process of stabilizing the MS transmit power becomes more difficult." (pg. 7, lines 20-22). Therefore, using an initial transmit power based on a mobile station's location can provide advantages in allowing the power control process to more efficiently stabilize the mobile station or base station's transmit power.

Soliman, however, does not teach or suggest selecting an initial power level, based on the location of a mobile station, for communication between the mobile station and the base station, and Soliman also does not teach or suggest engaging in a power control process starting at that initial power level. In Soliman, lookup tables may be used to determine minimum and maximum permissible signal-to-noise ratios ("SNRs") on the reverse link (e.g., from the mobile station to the base station) based on the location and/or velocity of a mobile station. Lookup tables may also be used to determine minimum and maximum transmit powers for the base station on the forward link (e.g., from the base station to the mobile station). A power control loop may then be used to adjust the transmit power of the mobile station so that its SNR falls within the defined range or to adjust the transmit power of the base station.

While the eventual transmit power of the mobile station after the application of a power control loop may cause its SNR to fall within these defined bounds, Soliman does not teach or suggest modifying the initial transmit power of the mobile station based on the mobile station's location nor does Soliman teach or suggest modifying the initial transmit power of a base station.

5 Since the beginning power level used in Soliman for communication between the mobile station and the base station does not vary depending on the location of the mobile station, the starting point for the power control loop also would not be based on the location of the mobile station.

Accordingly, the beginning power level used by the mobile station in Soliman may be significantly far away from the final transmit power level after application of a power control
10 loop. Thus, Soliman may suffer from the same disadvantages described in Applicant's specification for stabilizing the transmit power of a mobile station. Moreover, since Soliman does not teach or suggest altering the initial transmit power of the mobile station or of the base station based on the location of the mobile station, Soliman does not teach or suggest all elements of Applicant's independent claim 1. The other references cited by the Examiner do not
15 make up for the deficiencies of Soliman in that none of these references teach or suggest modifying an initial transmit power of a mobile station or a base station based on the location of the mobile station.

Therefore, independent claim 1 is in condition for allowance. Accordingly, dependent claims 2-6 are also in condition for allowance. Independent claims 7, 14, 16, 21 and 23 include
20 similar elements of selecting an initial transmit power based on a location of a mobile station and then using that initial transmit power as the starting point for a power control process. Therefore, independent claims 7, 14, 16, 21 and 23 are allowable. Accordingly, dependent claims 8-13, 15, 17-20 and 22 are also allowable.

V. Conclusion

Applicant respectfully submits that claims 1-23 are all in condition for allowance. Should the Examiner have any questions, the Examiner is encouraged to contact Applicant's attorney, Brian Harris, at his direct dial number of 312-913-3303.

Respectfully submitted,

10

Date:

6/28/04

Brian R. Harris
Reg. No. 45,900
Attorney for Applicant

15

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Dr. 31st Floor
Chicago, IL 60606
Tel: 312-913-0001
Fax: 312-913-0002

20